

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Jerrold Richardson,)	CASE NOS. 1:08 CR 508-001
)	1:10CV1097
Petitioner,)	
)	JUDGE PATRICIA A. GAUGHAN
Vs.)	
)	
United States of America,)	<u>Memorandum of Opinion and Order</u>
)	
Respondent.)	

This matter is before the Court upon petitioner's Motion for Correction and or for Reduction of Sentence (Doc. 23). For the following reasons, the motion is DENIED.

Petitioner argues that he is entitled to relief under the Fair Sentencing Act of 2009. The argument is rejected. Congress has not passed the Fair Sentencing Act of 2009. Accordingly, as this bill is not law, it affords petitioner no relief. The Court further rejects any argument that petitioner is entitled to relief because he was taking a "mood altering" drug at the time of sentencing. The drug sheet attached to petitioner's motion does not identify any side effect that would interfere with petitioner's ability to participate at the sentencing. Nor does petitioner claim he was unable to understand or participate in the proceedings. Although mentioning in passing that his counsel was "ineffective," petitioner offers no factual basis or argument in

support of this statement. Accordingly, petitioner fails to identify any ground entitling him to relief. Petitioner's motion is DENIED.

IT IS SO ORDERED.

/s/ Patricia A. Gaughan
PATRICIA A. GAUGHAN
United States District Judge

Dated: 5/14/10